

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 1, 2006

**D048826      In re Alanna A., a Juvenile**

Judgment affirmed. Haller, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D049109      People v. Marvin T. Palmer**

10:00 a.m. Court convenes

Associate Justice Gilbert Nares designated hearing officer and referee in this matter.

Deputy Clerk: C. Tunnell

Deputy Clerk: D. Moore, recording

CHP Officer: Art Athans

Jill Amanda Matuk, Senior Deputy Clerk, Court of Appeal present

Tammy Nielsen - Lead Court Reporter - East County Division present

Robert Durant - Assistant Executive Officer - East County Division present

In re the Matter of Simone Suzette Holmes, CSR # 6868, Official Reporter, on Order to Show Cause why she should not be declared an incompetent Court Reporter and why sanctions should not be imposed pursuant to rule 46.5 of the California Rules of Court for failure to prepare and file reporter's transcripts in People v. Palmer, D049109

10:00 a.m. The record shows that this is the time and place for the Order to Show Cause hearing. Court Reporter Simone Suzette Holmes is not present.

The Court asks if Ms. Holmes has received service of this hearing.

10:01 a.m. Ms. Matuk states Ms. Holmes was personally served on October 13, 2006, by CHP Officer Art Athans that Ms. Holmes was to appear at this hearing. Ms. Matuk says she has proof of this personal service.

10:02 a.m. The Court asks Ms. Matuk if this Court has received any communications from Ms. Holmes. Ms. Matuk answers, No.

The Court asks if a representative from Superior Court is present.

10:03 a.m. Robert Durant - Assistant Executive Officer - East County Division and Tammy Nielsen - Lead Court Reporter - East County Division are sworn in.

The Court asks if Superior Court has had any communications from Ms. Holmes since she has been served with the Order to Show Cause.

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November 1, 2006 (Continued)

10:04 a.m. Ms. Nielsen says that Superior Court has not had any communications with Ms. Holmes since January of 2005 and that communication was by phone. Ms. Nielsen says that she does not have the notes for this hearing which is January 4, 2005. The last notes that Ms. Nielsen has of Ms. Holmes are for September of 2004. Mr. Durant also states that he has not received any communications from Ms. Holmes.

10:05 a.m. The Court states there are two ways for the Court to proceed. One way is to continue with the Order to Show Cause hearing today or issue a Bench Warrant for Ms. Holmes.

The Court issues a Bench Warrant for Simone Suzette Holmes and sets bail at \$2,000. The Clerk's Office is directed to notify Court Reporter Simone Holmes today of the issuance of this Bench Warrant.

The Court is in recess until further order of the Court.

10:06 a.m. Court is adjourned

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 2, 2006

**D046695      Hodge v. Poway Unified School District**

The petition for rehearing and request for publication of the opinion are denied.

**D049098      In re Y. G., a Juvenile**

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

**D049690      People v. Sellheim**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 3, 2006

**D049127      Van Zee et al. v. Superior Court of San Diego County/Despues et al.**  
The petition is denied.

**D049697      People v. Queen**  
The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

**D047335      Czar et al. v. Kern et al.**  
The judgment is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. Each party is to bear its own costs on appeal. Aaron, J.; We Concur: McDonald, Acting P.J., Irion, J.

**D048289      People v. Takko**  
The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D045872      People v. Adame**  
The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D048362      People v. Rowland**  
The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D048283      Pale v. Coble**  
The judgment is affirmed. Defendant is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

**D048721      People v. DuBose**  
The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D048923      In re M.S., a Juvenile**  
The appeal is dismissed. Nares, Acting P.J.; We Concur: McDonald, J., Aaron, J.

**D048992      Andres C. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
Let a writ issue directing the juvenile court to correct its findings and orders concerning adoption made on July 11, 2006 in the cases of B.C., NJ12970C, Joseph C., NJ12970D, and Josiah C., NJ12790E. In all other respects, the petition is denied. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 3, 2006 (Continued)

**D049290      In re Velez on Habeas Corpus**

The petition is denied.

**D048497      People v. William Peter New**

10:00 a.m. Court convenes

Associate Justice Gilbert Nares designated hearing officer and referee in this matter.

Deputy Clerk: C. Tunnell

Deputy Clerk: D. Moore, recording

CHP Officer: Art Athans

Appointed Counsel Rebecca P. Jones present with Ja' Nal Carter, CSR # 12813.

Jill Amanda Matuk, Supervising Deputy Clerk, Court of Appeal present

Laura Runyon, Court Reporter Supervisor - Superior Court present

In re the Matter of Ja' Nal Carter, CSR # 12813, Official Reporter, on Order to Show Cause why sanctions should not be imposed pursuant to rule 46.5 of the California Rules of Court for failure to prepare and file reporter's transcripts in People v. New, D048497.

10:00 a.m. The Court asks the parties to state their appearance for the record.

Attorney Rebecca P. Jones appears with Court Reporter Ja' Nal Carter.

The Court asks if there is a representative present from Superior Court who can give a progress report.

10:01 a.m. Laura Runyon, Court Reporter Supervisor from Superior Court is sworn in.

Ms. Runyon testifies that 12 out of 16 volumes of reporter's transcripts are completed. Two more volumes are three-fourths completed. Ms. Runyon believes all of the transcripts can be completed within the next two weeks.

10:02 a.m. The Court asks if there are any portions of the proceedings where there are particular problems. Ms. Runyon testifies that the hearing dates of the 9th and the 13th have portions throughout where there was a catastrophic computer failure. These dates have to be typed, word for word, from Ms. Carter's paper notes. Ms. Runyon says she has another court reporter that can read Ms. Carter's theory and who is working on these two transcripts. Ms. Runyon believes she will have the two nearly completed transcripts finished in a week, with the last two transcripts completed the following week.

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10:03 a.m. The Court asks Ms. Runyon to send Kevin Lane, Assistant Clerk/Administrator of the Court of Appeal progress reports on November 9, 2006, and November 16, 2006. Ms. Runyon is also instructed to send attorney Rebecca Jones copies of these progress reports. The Court says the week of November 13, 2006, starts this Court's oral argument calendar and the courtroom is being used everyday. The Court asks Ms. Runyon if she anticipates the transcripts will be completely finished in the next two weeks.

10:04 a.m. Ms. Runyon assures the Court that is her goal. Ms. Runyon says it will take her clerks about two hours to check the finished transcripts and then the Superior Court Appeals Section will need to verify that all of the hearing dates are completed. It shouldn't take longer than half a day to check the transcripts in.

10:05 a.m. The Court instructs Ms. Runyon to make sure that the Appeals Section gives this record and these transcripts priority. The Court also instructs Ms. Runyon to give each transcript to the Appeals Section as it is completed so the transcript can be checked in immediately. Ms. Runyon assures the Court that is her intention.

10:06 a.m. The Court reiterates that Ms. Runyon is to make progress reports to Kevin Lane and Ms. Jones on the 9th and the 16th of November and to notify this Court of any problems that arise. The Court continues this hearing to Tuesday, November 21, 2006, at 10:00 a.m.

10:07 a.m. Ms. Jones notifies the Court that she is unavailable starting the morning of November 20, 2006, through November 28, 2006, but she can have someone else appear for her on the 21st.

10:08 a.m. A discussion ensues as to a good date for the continuance. It is determined that Friday, November 17, 2006, after oral argument would work for all parties. The Court changes the dates for the progress reports. Ms. Runyon is directed to file progress reports on November 9th and on Wednesday, November 15th. The Court thanks Ms. Runyon and Superior Court for all their hard work in resolving this matter. The Court VACATES the hearing previously set for November 21, 2006, at 10:00 a.m.

10:09 a.m. The Court CONTINUES this matter to Friday, November 17, 2006, at 3:00 p.m. Ms. Carter is ordered to appear at this hearing and to continue to appear at Superior Court to work on her transcripts. Ms. Carter says she understands.

10:10 a.m. Court adjourns